

ORDINANCE _____ - 2010

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS CREATING SECTION 130-131 OF THE MONROE COUNTY LAND DEVELOPMENT CODE, CREATING THE LOWER SUGARLOAF KEY COMMUNITY CENTER OVERLAY DISTRICT FOR REAL ESTATE NUMBER 00118470.000000 AND FOR PORTIONS OF PARCELS HAVING REAL ESTATE NUMBERS 00118420.000000 AND 00117930.000000 DESCRIBED AS A PORTION OF GOVERNMENT LOT 3 AND PORTION OF GOVERNMENT LOT 4, SECTION 3, TOWNSHIP 67 SOUTH, RANGE 27 EAST AND A PORTION OF GOVERNMENT LOT 3, SECTION 34, TOWNSHIP 66 SOUTH, RANGE 27 EAST, SUGARLOAF KEY, MONROE COUNTY, FLORIDA AND A PORTION OF GOVERNMENT LOT 3, SECTION 34, TOWNSHIP 66 SOUTH, RANGE 27 EAST, SUGARLOAF KEY, MONROE COUNTY, FLORIDA LOWER SUGARLOAF KEY GULF SIDE AT APPROXIMATELY MILE MARKER 17; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the purpose of the Lower Sugarloaf Key Community Center Overlay District is to implement the policies of the comprehensive plan, to protect the natural and man-made historic resources of the community and to encourage development that maintains the small scale and low intensity of Lower Sugarloaf Key; and

WHEREAS, the goal is to protect and maintain the historic character of the densities and intensities within the Lower Sugarloaf Key Community Center Overlay District; and

WHEREAS, the proposed amendment is consistent with the Monroe County Year 2010 Comprehensive Plan; and

WHEREAS, the proposed amendment is consistent with the Florida Administration Code (F.A.C.), Chapter 9J-5; and

WHEREAS, the proposed amendment is consistent with the Principles for Guiding Development as a whole and is not inconsistent with any Principle; and

WHEREAS, this ordinance was recommended for approval to the Board of County Commissioners by the Planning Commission at its meeting of April 28, 2010;

NOW, THEREFORE, BE IT ORDAINED BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS:

(Deletions are ~~stricken through~~ and additions are underlined.)

Section 1. Chapter 130, Article VII Division 2 shall be amended as follows:

Section 130-131. Lower Sugarloaf Key Community Center Overlay District

(a) The purpose of the Lower Sugarloaf Key Community Center Overlay District is to implement the policies of the comprehensive plan, to protect the natural and man-made historic resources of the community and to encourage development that maintains the small scale and low intensity of Lower Sugarloaf Key. The goal is to protect and maintain the historic character of the densities and intensities within the Lower Sugarloaf Key Community Center Overlay District.

(b) The Lower Sugarloaf Key Community Center Overlay District, shown on attached Map Exhibit A, and is comprised of the following property legally described as:

Legal Description:

Total Land: (Prepared by Mr. Fred Hildebrandt)

A portion of Government Lot 3 and Portion of Government Lot 4, Section 3, Township 67 South, Range 27 East and a portion of Government Lot 3, Section 34, Township 66 South, Range 27 East, Sugarloaf Key, Monroe County, Florida and being more particularly described as follows (All references to Government Lot Lines are per Bailey's Survey of Sugarloaf Properties, December 22, 1972):

Begin at the intersection of the Northwestern Line of U.S. Highway No. 1 (State Road No. 5) and the West Line of Government Lot 3, of said Section 3; thence N.00°16'32"E., along the said Government Lot Line a distance of 60.28 feet; thence N.56°19'10"E., along the said Northwestern Right-of-Way Line of U.S. Highway No. 1 a distance of 644.56 feet; thence N.33°41'00"W., a distance of 110.00 feet; thence N.56°19'10"E., a distance of 157.47 feet thence meander the Mean High Tide Line along natural shoreline, Concrete Seawalls, and man made canals for the following 112 metes and bounds; thence S.89°59'13"W., a distance of 39.25 feet; thence S.63°40'43"W., a distance of 125.84 feet; thence S.52°19'26"W., a distance of 139.22 feet; thence S.81°00'25"W., a distance of 28.60 feet; thence N.49°28'21"W., a distance of 36.77 feet; thence N.44°25'27"W., a distance of 56.18 feet; thence N.83°14'35"W., a distance of 35.52 feet; thence S.73°27'37"W., a distance of 55.45 feet; thence S.16°04'40"W., a distance of 11.80 feet; thence S.08°43'26"E., a distance of 47.16 feet; thence S.03°53'20"W., a distance of 14.59 feet;

thence S.15°36'18"W., a distance of 14.67 feet; thence N.88°55'31"W., a distance of 8.77 feet; thence S.03°25'47"W., a distance of 99.98 feet; thence S.02°57'49"W., a distance of 17.80 feet; thence S.05°37'36"E., a distance of 27.23 feet; thence S.04°18'37"W., a distance of 80.00 feet; thence S.29°03'10"W., a distance of 8.24 feet; thence S.58°12'03"W., a distance of 94.46 feet; thence N.44°15'14"W., a distance of 27.06 feet; thence N.05°53'54"W., a distance of 25.96 feet; thence N.00°27'22"E., a distance of 17.67 feet; thence N.06°04'01"E., a distance of 27.63 feet; thence N.08°28'38"E., a distance of 18.79 feet; thence N.05°15'40"E., a distance of 45.38 feet; thence N.03°11'25"W., a distance of 68.18 feet; thence N.01°01'22"E., a distance of 189.87 feet; thence N.89°07'33"W., a distance of 4.34 feet; thence N.00°59'43"E., a distance of 79.47 feet; thence N.07°26'49"W., a distance of 9.10 feet; thence N.80°53'10"W., a distance of 10.77 feet; thence S.70°37'47"W., a distance of 107.27 feet; thence S.75°11'06"W., a distance of 110.85 feet; thence N.31°25'52"W., a distance of 7.55 feet; thence S.45°41'00"W., a distance of 20.00 feet; thence S.12°56'49"E., a distance of 17.13 feet; thence S.23°15'23"E., a distance of 148.59 feet; thence S.22°11'53"E., a distance of 87.98 feet; thence S.22°07'09"E., a distance of 53.48 feet; thence S.89°05'36"E., a distance of 11.23 feet; thence S.17°43'53"E., a distance of 22.70 feet; thence S.21°46'32"E., a distance of 46.95 feet; thence S.24°32'10"E., a distance of 32.10 feet; thence S.16°46'14"E., a distance of 25.08 feet; thence S.82°11'34"W., a distance of 7.57 feet; thence S.46°06'51"W., a distance of 15.15 feet; thence S.40°40'00"W., a distance of 8.26 feet; thence S.75°50'28"W., a distance of 27.17 feet; thence N.34°49'37"W., a distance of 9.41 feet; thence N.86°53'25"W., a distance of 13.76 feet; thence S.79°27'09"W., a distance of 14.28 feet; thence S.74°36'52"W., a distance of 18.07 feet; thence S.62°19'33"W., a distance of 46.19 feet; thence S.64°17'02"W., a distance of 13.39 feet; thence S.56°50'06"W., a distance of 6.88 feet; thence S.75°59'06"W., a distance of 3.58 feet; thence N.83°26'32"W., a distance of 14.66 feet; thence N.66°30'52"W., a distance of 3.03 feet; thence N.34°15'31"W., a distance of 2.61 feet; thence N.07°05'54"W., a distance of 3.06 feet; thence N.38°42'24"W., a distance of 2.31 feet; thence N.54°10'15"W., a distance of 4.07 feet; thence N.30°57'03"W., a distance of 4.14 feet; thence N.08°54'19"W., a distance of 17.54 feet; thence N.07°24'27"E., a distance of 11.48 feet; thence N.26°55'05"E., a distance of 20.95 feet; thence N.36°45'25"E., a distance of 8.54 feet; thence N.39°54'31"E., a distance of 8.27 feet; thence N.42°41'53"E., a distance of 8.81 feet; thence N.45°02'39"E., a distance of 10.01 feet; thence N.46°00'46"E., a distance of 10.52 feet; thence N.43°30'16"E., a distance of 22.20 feet; thence N.36°38'25"E., a distance of 9.34 feet; thence N.27°19'49"E., a distance of 8.71 feet; thence N.09°53'03"E., a distance of 8.12 feet; thence N.14°25'46"W., a distance of 5.77 feet; thence N.29°34'21"W., a distance of 8.10 feet; thence N.27°43'11"W., a distance of 8.27 feet; thence N.19°14'14"W., a distance of 6.80 feet; thence N.21°40'53"W., a distance of 7.56 feet; thence

N.39°27'59"W., a distance of 3.20 feet; thence N.67°23'31"W., a distance of 2.51 feet; thence S.83°41'23"W., a distance of 3.79 feet; thence S.62°02'51"W., a distance of 11.10 feet thence S.55°00'14"W., a distance of 96.97 feet; thence S.58°44'30"W., a distance of 27.82 feet; thence S.71°47'47"W., a distance of 29.56 feet; thence S.66°18'30"W., a distance of 129.11 feet; thence S.77°18'41"W., a distance of 49.70 feet; thence N.89°13'39"W., a distance of 18.11 feet; thence S.80°45'45"W., a distance of 75.01 feet; thence N.76°26'39"W., a distance of 10.79 feet; thence S.86°24'08"W., a distance of 12.48 feet; thence S.63°10'25"W., a distance of 19.95 feet; thence S.50°26'45"W., a distance of 9.58 feet; thence S.65°06'48"W., a distance of 5.74 feet; thence S.02°28'04"W., a distance of 15.86 feet; thence S.30°01'28"W., a distance of 12.67 feet; thence S.44°36'29"E., a distance of 15.15 feet; thence S.15°09'31"E., a distance of 195.02 feet; thence S.15°49'58"E., a distance of 26.50 feet; thence S.06°58'48"E., a distance of 24.39 feet; thence S.17°44'08"W., a distance of 19.93 feet; thence S.39°59'05"W., a distance of 10.31 feet; thence S.54°24'35"W., a distance of 10.99 feet; thence S.68°48'10"W., a distance of 11.09 feet; thence S.89°58'27"W., a distance of 21.32 feet; thence N.65°14'43"W., a distance of 10.86 feet; thence N.47°15'08"W., a distance of 12.74 feet; thence N.28°56'26"W., a distance of 19.18 feet; thence N.13°02'50"W., a distance of 63.96 feet; thence N.13°01'37"W., a distance of 70.92 feet; thence N.13°36'04"W., a distance of 113.63 feet; thence N.15°10'25"W., a distance of 100.91 feet; thence N.59°53'45"W., a distance of 5.95 feet; thence S.75°02'38"W., and leaving the said shoreline a distance of 175.86 feet; thence S.14°57'22"E., a distance of 356.02 feet; thence S.59°39'59"W., a distance of 77.48 feet; thence S.30°16'10"E., a distance of 269.50 feet to the said Northwesterly Right-of-Way line of U.S. Highway no. 1; thence N.56°19'10"E., along the said Northwesterly Right-of-Way line of U.S. Highway No. 1 a distance of 792.73 feet to the Point of Beginning. Parcel contains 481,358 square feet or 10.59 acres, more or less.

(c) The uses within the overlay district shall be subject to all land development regulations (i.e setbacks, heights, etc.) including minor conditional and major conditional use regulations of the Monroe County Code.

(d) The Lower Sugarloaf Key Community Center Overlay District densities shall be enforced, in lieu of Section 130-157 Maximum Residential Density and District Open Space and Section 130-162 Maximum Hotel-Motel, RVs and Institutional Residential Densities, and the intensities shall be enforced, in lieu of Section 130-164 Maximum Nonresidential Land Use Intensities and Open Space Ratios and only within the boundaries of the district.

The uses within the overlay district shall be developed with the following density and intensity regulations:

(1) Density and Intensity:

- (a) For the purposes of this overlay district, uses with corresponding density / intensity thresholds shall not be cumulative, except no combination of commercial retail and office shall exceed 20,758ft² FAR.

TABLE INSET:

| MAXIMUM DENSITY / INTENSITY BY PROPOSED LOWER SUGARLOAF KEY COMMUNITY CENTER OVERLAY DISTRICT | | | |
|---|--|------------------------------|---|
| Land Use | Density/Intensity | Size of Site (upland) | Max Allowed |
| Hotel ⁽¹⁾ | 7.25 Rooms per Acre | 10.59 acres | 75 Rooms |
| Office ⁽²⁾ | 0.045 FAR | 461,300.4 sq.ft. | 20,758 sq.ft. |
| Marina ⁽²⁾ | 0.045 FAR | 461,300.4 sq.ft. | 20,758 sq.ft. |
| Perm. Residential | 0.25 Units per Acre | 10.59 acres | 2 units |
| Commercial Retail - Medium ⁽²⁾ | 0.045 FAR | 461,300.4 sq.ft. | 20,758 sq.ft. |
| Recreational Rentals ⁽¹⁾ | 2.4 Spaces per Acre | 10.59 acres | 25 Spaces |
| Commercial Fishing ⁽²⁾ | 0.045 FAR | 461,300.4 sq.ft. | 20,758 sq.ft. |
| | TOTAL DENSITY RESIDENTIAL: | | 100 transient, 2 market rate units |
| | TOTAL INTENSITY FAR ^(3 & 4): | | 20,758ft² |
| Affordable / Employee Housing | 0.75 Units per Acre | 10.59 acres | 8 Units |
| (1) These uses shall not be cumulative. | | | |
| (2) A combination of hotel rooms or recreational rentals shall not exceed a total of 100 rooms and/or spaces. | | | |
| (3) No combination of commercial retail and office structure shall exceed 20,758 sq.ft. FAR. | | | |
| (4) Maximum square footage of any one building or structure shall not exceed 10,000 sq.ft. | | | |

*Maximum square footage of any one building or structure shall not exceed 10,000 square feet. However, cumulative square footage is governed by floor area ratio maximums. The intent of this limitation is to prevent large scale, out of character retail or commercial development.

- (2) No Open Space Ratios are modified by this Section 130-131.

Section 2. Severability.

If any section, paragraph, subdivision, clause, sentence or provision of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence, or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 3. Conflicting Provisions.

In the case of direct conflict between any provision of this ordinance and a portion or provision of any appropriate federal, state, or County law, rule code or regulation, the more restrictive shall apply.

Section 4. Transmittal.

This ordinance shall be transmitted by the Planning and Environmental Resources Department to the Florida Department of Community Affairs as required by F.S. 380.05(11) and F.S. 380.0552(9).

Section 5. Filing.

This ordinance shall be filed in the Office of the Secretary of the State of Florida but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission approving the ordinance.

Section 6. Inclusion in the Monroe County Code.

The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition to amendment thereto, and shall be appropriately renumbered to conform to the uniform marking system of the Code.

Section 7. Effective Date.

This ordinance shall become effective as provided by law and stated above.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the ____ day of _____, 2010.

| | |
|---|-------|
| Mayor Sylvia J. Murphy | _____ |
| Mayor <i>pro tem</i> Heather Carruthers | _____ |
| Commissioner Kim Wigington | _____ |
| Commissioner George Neugent | _____ |
| Commissioner Mario Di Gennaro | _____ |

MONROE COUNTY BOARD OF COUNTY COMMISSIONERS

Attest: DANNY L. KOLHAGE, CLERK

By _____
Deputy Clerk

By _____
Mayor Sylvia J. Murphy